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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,767	09/04/2003	Christian X. Campbell	2003P13115US	6918
7590 11/23/2005		EXAMINER		
Siemens Corporation Intellectual Property Department			GROUP, KARL E	
170 Wood Avenue South			ART UNIT	PAPER NUMBER
Iselin, NJ 08830			1755	
			DATE MAIL ED. 11/2/200	<b>-</b>

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
	10/654,767	CAMPBELL, CHI	CAMPBELL, CHRISTIAN X.		
Office Action Summary	Examiner	Art Unit			
	Karl E. Group	1755			
The MAILING DATE of this communication ap Period for Reply	ppears on the cover shee	et with the correspondence a	ddress		
A SHORTENED STATUTORY PERIOD FOR REP WHICHEVER IS LONGER, FROM THE MAILING I  - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period  - Failure to reply within the set or extended period for reply will, by statu Any reply received by the Office later than three months after the maili earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMU. .136(a). In no event, however, m d will apply and will expire SIX (6) te, cause the application to becor	JNICATION.  ay a reply be timely filed  MONTHS from the mailing date of this ne ABANDONED (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on 03	October 2005.				
	is action is non-final.		•		
3) Since this application is in condition for allow	ance except for formal r	matters, prosecution as to th	e merits is		
closed in accordance with the practice under	Ex parte Quayle, 1935	C.D. 11, 453 O.G. 213.			
Disposition of Claims		•			
		;			
4) Claim(s) <u>1-37</u> is/are pending in the applicatio		* -			
4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.		•,			
6)☐ Claim(s) is/are rejected. 7)☐ Claim(s) is/are objected to.					
	e alaction requirement				
8)⊠ Claim(s) <u>1-37</u> are subject to restriction and/o	r election requirement.				
Application Papers		N.			
9)☐ The specification is objected to by the Examir	ier.	,** 			
10) The drawing(s) filed on is/are: a) □ ac	cepted or b) objected	to by the Examiner.			
Applicant may not request that any objection to the	e drawing(s) be held in ab	eyance. See 37 CFR 1.85(a).			
Replacement drawing sheet(s) including the corre	ction is required if the drav	wing(s) is objected to. See 37 C	CFR 1.121(d).		
11) The oath or declaration is objected to by the E	Examiner. Note the attac	ched Office Action or form P	TO-152.		
Priority under 35 U.S.C. § 119		•			
12)☐ Acknowledgment is made of a claim for foreig	n priority under 35 U.S.	C & 119(a)-(d) or (f)			
a) ☐ All b) ☐ Some * c) ☐ None of:	p, aa a. a	o. 3 o(a) (a) o. (.).			
1. Certified copies of the priority documer	nts have been received.				
2. Certified copies of the priority documents have been received in Application No					
3. Copies of the certified copies of the priority documents have been received in this National Stage					
application from the International Burea	au (PCT Rule 17.2(a)).	. ,	_		
* See the attached detailed Office action for a lis	t of the certified copies	not received.			
		. •			
		· · · · · ·			
Attachment(s)					
1) Notice of References Cited (PTO-892)	∆\ □ Intonii	ew Summary (PTO-413)			
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper	No(s)/Mail Date			
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date	5)	of Informal Patent Application (PT	O-152)		
J.S. Patent and Trademark Office	6)	<del></del>			
STOL 666 (D	Action Summary	Part of Paper No./Mail [	Date 20051121		

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1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-20,28-37 drawn to a material, classified in class 501, subclass
   128.
- II. Claims 21-27, drawn to a layered composite, classified in class 428, subclass 688.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require the composition of claim 28. The subcombination has separate utility such as an abrasive material.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 4. This application contains claims directed to the following patentably distinct species of the claimed invention: The first particles the distinct species are;
- 1. The first particles being selected from ceria, rare earth oxides (each rare earth is considered a distinct specie), tetragonal zirconia, alumina, magnesia and spinel

2. The second particle being selected from mullite, zircon, cordierite and celsian, silicon carbide and silicon nitride.

Applicants <u>must select</u> the specie for <u>BOTH</u> the first particle and the second particle.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-5,13,17-23,25-27 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over

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the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl E. Group whose telephone number is 571-272-1368. The examiner can normally be reached on M-F (6:30-4:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Primary Examiner
Art Unit 1755

Keg 11-21-05